

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SUSAN COLBY, et al.,

Plaintiffs,

v.

VISIONWORKS OF AMERICA, INC.,

Defendant.

No. 1:25-cv-00387 JLT SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
MOTION TO TRANSFER VENUE

(Docs. 8, 20.)

On April 3, 2025, Susan Colby, Asia Harris, Olywakemi Fosudo Ade, and Dana Berkley commenced this putative online data privacy class action concerning the transmission of personally identifiable information to unauthorized third parties. (Doc. 1, ¶ 3.) Defendant VisionWorks is a Texas corporation, with its principal place of business in San Antonio, from where it offers online optometry and retail services nationwide. (Doc. 1, ¶ 10, 40.) On June 30, 2025, Defendant filed a motion to transfer venue pursuant to the first-to-file rule 28 U.S.C. § 1404(a). (Doc. 8.) The Court referred the motion to the assigned magistrate judge (Doc. 16), and on October 16, 2025, the magistrate judge issued findings and recommendations that the motion be granted. (Doc. 20.) On October 30, 2025, Plaintiffs timely filed objections. (Doc. 23.) On November 13, 2025, Defendant filed a response to the objections. (Doc. 24.)

According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this matter. Having carefully reviewed the entire file, including the objections and response, the

1 Court concludes the findings and recommendations are supported by the record and by proper
2 analysis. The magistrate judge properly declined to recommend transfer based on the first-to-file
3 rule given that the earlier-filed Texas matter has been administratively closed for many months,
4 (see Doc. 20 at 6), but appropriately found that transfer was warranted under 28 U.S.C. § 1404
5 after considering all the relevant factors, including California's local interest and Plaintiff's
6 choice of forum, neither of which are dispositive in the balance. Thus, the Court **ORDERS**:

- 7 1. The findings and recommendations (Doc. 20) filed October 16, 2025, is
8 **ADOPTED** in full.
- 9 2. This motion to transfer venue (Doc. 8) is **GRANTED**.

10 IT IS SO ORDERED.
11

12 Dated: **November 17, 2025**


UNITED STATES DISTRICT JUDGE